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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/726,192	12/02/2003	Kwasi Addo Asare	RSW920030193US1 (148)	2577
46320 7590 03/17/2008 CAREY, RODRIGUEZ, GREENBERG & PAUL, LLP STEVEN M. GREENBERG 950 PENINSULA CORPORATE CIRCLE SUITE 3020 BOCA RATON, FL 33487				
EXAMINER				
DAO, THUY CHAN				
ART UNIT		PAPER NUMBER		
2192				
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03/17/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/726,192

**Applicant(s)**

ASARE ET AL.

**Examiner**

Thuy Dao

**Art Unit**

2192

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12 December 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,2,4-7,11,12 and 14-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-7,11,12 and 14-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. In view of the Appeal Brief filed on December 12, 2007, PROSECUTION IS HEREBY REOPENED. A new ground of rejection is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below.

2. Claims 1-2, 4-7, 11-12, and 14-17 have been examined.

### **Specification**

3. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

In the instant case, the phrase in lines 1-2 is considered to read as - "[The present invention is a] A method, system and apparatus for hosting environment abstraction-". Appropriate correction is required.

### **Claim Rejections – 35 USC § 102**

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-2, 4-7, 11-12, and 14-17 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent No. 6,871,344 to Grier et al. (art made of record, hereinafter "Grier").

#### **Claim 1:**

Grier discloses a machine readable storage and a *hosting environment abstraction method* (e.g., col.7: 26-33; FIG. 2A, col.7: 52 – col.8: 51) *comprising the steps of:*

*enumerating each of a set of components in an application* (e.g.,

col.11: 14-30, assemblies as a set of components in an application;

FIG. 7, step 712 "enumerates any dependencies ... to add dependent nodes to the dependency graph", col.21: 11-31;

FIG. 11, step 1114 also "enumerates any dependencies ... so that the correct versions as specified in the configurations are bound to the application", col.23: 14-21 – emphasis added);

*identifying dependencies between each component in said set (e.g.,*

FIG. 5, Runtime Version-Matching Mechanism 500, col.19: 22-50;

FIG. 7, steps 704/710/712, identify dependencies between assemblies and replace and/or add assemblies, col.20: 48-65, col.21: 1-31);

*organizing a generic representation of said set of components into a hierarchical structure based upon said identified dependencies (e.g., a hierarchical structure as a dependency graph 800 in FIG. 8, col.20: 48 – col.21: 10);*

*producing a model encapsulating said hierarchical structure; and storing said model in a repository for subsequent retrieval (e.g., FIG. 2A-B, Manifests 214 and 215, col.11: 14 – col.12: 57; FIG. 3A-B, Application Manifest 204, col.16: 4-39); wherein*

*said identifying step comprises the step of inspecting each component in said set for data and method member references (e.g.,*

FIG. 4, the step of inspecting must have been performed to "detect whether a saved activation context 302 is valid", col.18: 37-42, "map the application's requests to the proper assembly versions" col.18: 45-46; "fields", "DLL name", "pathname" following the configuration-resolution process, col.18: 48-58;

FIG. 5, Runtime Version-Matching Mechanism 500 inspects/verifies each assembly using API and Version Independent Name, col.21: 46 - col.22: 29;

FIG. 7, steps 704/710/712, identifying and/or inspecting/evaluating dependencies using pointers, fields, publisher policy, and application policy, col.20: 48-65, col.21: 1-31)

*to other ones of said components in said set (e.g., col.11: 14-30; col.18: 45-62; FIG. 8, col.20: 48 – col.21: 10,*

*said references indicating a dependency (e.g., col.21: 11-31; FIG. 11- Handle any new Dependencies 1114, col.22: 44 – col.23: 13), and*

*the components are application components, and the application comprises the set of components (e.g., col.11: 14-30; FIG. 7, col.20: 42 – col.21: 31).*

**Claim 2:**

The rejection of claim 1 is incorporated. Grier also discloses *identifying dependencies between target platform resources and said components in said set; and, recording said further identified dependencies in said model* (e.g., col.8: 1-21; col.20: 48 – col.21: 10).

**Claim 4:**

The rejection of claim 2 is incorporated. Grier also discloses *inspecting each component in said set for data and method member references to said target platform resources* (e.g.,

FIG. 4, the step of inspecting must have been performed to "detect whether a saved activation context 302 is valid", col.18: 37-42, "map the application's requests to the proper assembly versions" col.18: 45-46; "fields", "DLL name", "pathname" following the configuration-resolution process, col.18: 48-58;

FIG. 5, Runtime Version-Matching Mechanism 500 inspects/verifies each assembly using API and Version Independent Name, col.21: 46 - col.22: 29;

FIG. 7, steps 704/710/712, identifying and/or inspecting/evaluating dependencies using pointers, fields, publisher policy, and application policy, col.20: 48-65, col.21: 1-31).

**Claim 5:**

The rejection of claim 1 is incorporated. Grier explicitly disclose *writing said hierarchical structure to a markup language document wherein tags in said markup language document demarcate individual ones of said components and said identified dependencies* (e.g., col.8: 1-21, an application manifest as an XML-formatted file; col.9 – col.12, Tables 1-3, sample assembly manifests with tags indicating individual assemblies and identified dependent assemblies).

**Claim 6:**

The rejection of claim 1 is incorporated. Grier also discloses *performing enumerating, identifying, organizing, producing and storing step subsequent to installing said application in a target platform* (e.g.,

FIG. 7, step 712 "enumerates any dependencies ... to add dependent nodes to the dependency graph", col.21: 11-31;

FIG. 11, step 1114 also "enumerates any dependencies ... so that the correct versions as specified in the configurations are bound to the application", col.23: 14-21 – emphasis added);

FIG. 5, Runtime Version-Matching Mechanism 500, col.19: 22-50;

FIG. 7, steps 704/710/712, identify dependencies between assemblies and replace and/or add assemblies, col.20: 48-65, col.21: 1-31).

#### **Claim 7:**

The rejection of claim 1 is incorporated. Grier also discloses *retrieving said model from said repository prior to installing a new component for use in said application* (e.g., FIG. 2A-B, Manifests 214 and 215 stored in Global Assembly Cache 212, col.11: 14 – col.12: 57; FIG. 3A-B, Application Manifest 204 stored in Global Assembly Cache 212, col.16: 4-39).

#### **Claims 11-12 and 14-17:**

Claims 11-12 and 14-17 are machine readable storage versions, which recite the same limitations as those of claims 1-2 and 4-7, wherein all claimed limitations have been addressed and/or set forth above. Therefore, as the reference teaches all of the limitations of the above claims, it also teaches all of the limitations of claims 11-12 and 14-17.

#### **Conclusion**

6. Any inquiry concerning this communication should be directed to examiner Thuy Dao (Twee), whose telephone/fax numbers are (571) 272 8570 and (571) 273 8570,

respectively. The examiner can normally be reached on every Tuesday, Thursday, and Friday from 6:00AM to 6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Q. Dam, can be reached at (571) 272 3695.

The fax phone number for the organization where this application or proceeding is assigned is (571) 273 8300.

Any inquiry of a general nature of relating to the status of this application or proceeding should be directed to the TC 2100 Group receptionist whose telephone number is (571) 272 2100.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

T. Dao

/Tuan Q. Dam/

Supervisory Patent Examiner, Art Unit 2192